

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ZELMA M. LOEB-DEFEVER and LOEB  
ARCHITECTS, LLC,

Plaintiffs,

V.

STRATEGIC CONSTRUCTION, LTD.  
d/b/a FCI MULTI-FAMILY, ET AL.,

Defendants.

CIVIL ACTION NO. 4:19-cv-00578

## ORDER

Came on for consideration this Motion to Dismiss for Improper Venue or, in the alternative, Motion to Transfer filed by Defendants MAKO, LLC d/b/a Padua Realty Company, Francisco Padua, Alejandro Padua, Antonio Padua, Padua Investments, Ltd., Luisfina Corporation, Woodhaven Inmobilia, Ltd., Bratten Inmobilia 2000, LLC, Inmobilia 2000, LLC, Texas Senior Living Manager, LLC, Texas Senior Living Group, LLC, Texas Senior Living Operator, LLC, Cottages at Woodhaven Village, Ltd., Strategic Construction, Ltd., Partin Investments, LLC, W&P I Holdings, Inc., Robert Partin, Sovereign Builders Group, Ltd. d/b/a FCI Multi-Family Builders, Applied Architectural Products, Inc., Timothy G. Dixon, FCI Multi-Family GP, LLC, FCI Multi-Family Holdings, LLC, Propero Conroe, LLC, Propero Seniors Housing Fund, LLC, CPF Living Communities II-Woodhaven, LLC, CPF Living Communities Acquisitions, LLC, Grace Management, Inc., and Ted Trout Architect & Associates, Ltd. (“Defendants”).

The Court has considered the motion, the pleadings on file, the response of Plaintiffs Zelma M. Loeb-Defever and Loeb Architects, LLC (“Plaintiffs”), the Reply of the moving

Defendants, the evidence submitted, the arguments of counsel, and the applicable law and concludes that the motion should be and is hereby GRANTED. It is accordingly ORDERED as follows:

\_\_\_\_\_ Plaintiffs' claims against Defendants are dismissed for improper venue pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a).

\_\_\_\_\_ Plaintiffs' claims against Defendants are transferred for improper venue to the United States District Court for the Southern District of Texas–Houston Division pursuant to 28 U.S.C. § 1406(a).

\_\_\_\_\_ Plaintiffs' claims against Defendants are transferred for the convenience of the parties and witnesses and in the interest of justice to the United States District Court for the Southern District of Texas–Houston Division, pursuant to 28 U.S.C. § 1404(a).